

STATE OF NEBRASKA
EQUAL OPPORTUNITY
COMMISSION



ANNUAL REPORT

Fiscal Year 2015/2016

neoc.nebraska.gov

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Public Education and Outreach

Under the Rules and Regulations of the Fair Employment Practice Act and the Nebraska Fair Housing Act, the Nebraska Equal Opportunity Commission (NEOC) is required to engage in education and outreach activities for the purposes of educating the public about the discrimination laws of the state. The NEOC consults and sometimes partners with local officials and other persons in the employment and housing community. The NEOC also engages in dialog with consumers for public accommodation cases to gain cooperation, compliance, and enforcement of these laws.

It is essential for the NEOC to continue to conduct Technical Assistance programs for the employers, housing providers and housing operators in all areas of the state, including Scottsbluff/Gering, Grand Island, North Platte, South Sioux City, Norfolk, Hastings, Lincoln, and Omaha. Technical assistance may be via the phone or a scheduled presentation. Many of these training sessions have voluntary participation which have been hosted by businesses, realtors, educational institutions, and charitable organizations in several cities. In particular, the Nebraska Real Estate Commission approved offering a course to salespeople and brokers which was presented in Gering and Norfolk. The full day course was presented by the U.S. Department of Housing and Urban Development representatives, Legal Aid Society representatives, and the NEOC. During the past year, over 150 realtors have received credit for this course. The people attending these courses are often involved in the housing industry including property owners, real estate management companies, and internet advertisers who have received training in several emerging issues of housing discrimination. Some of the education topics for housing providers and operators included renting to a person with an assistance animal; occupancy standards related to national origin and familial status; reasonable modifications in housing; and screening for criminal history.

The educational presentations for employers have covered key topics and issues such as workplace harassment including sexual harassment; non-discriminatory hiring and firing procedures; waivers; reasonable accommodations for disability and religious practices; screening for criminal history; and English-only rules. Employers have requested additional information on how to respond to a charge of discrimination; how to conduct an internal investigation; and pregnancy discrimination.

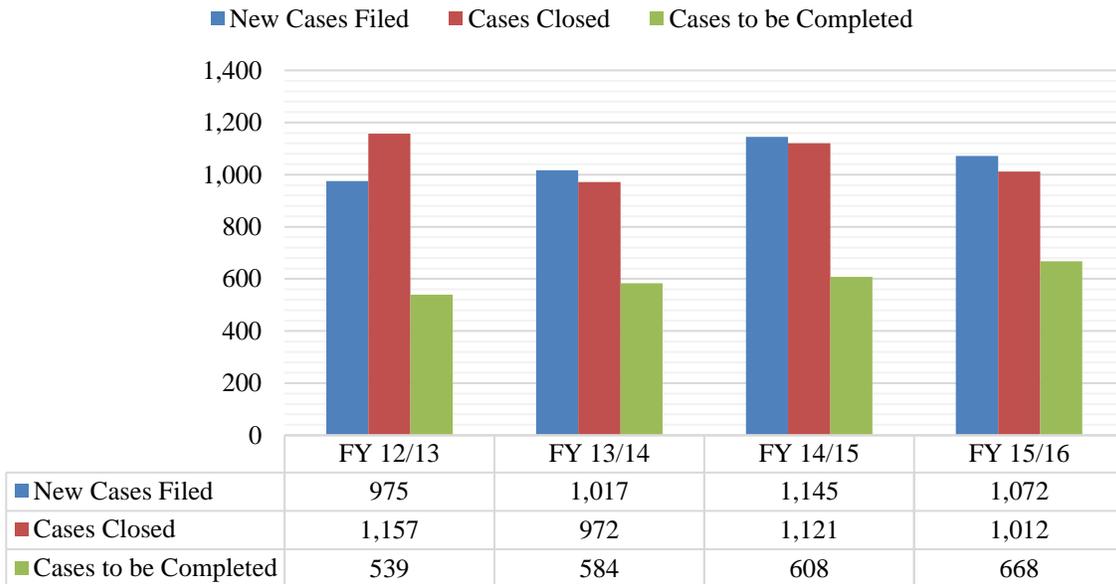
Some educational activities do not have voluntary participation; because participation is mandatory pursuant to an agreement reached through mediation, settlement, or conciliation of a case. Though these sessions are generally attended by smaller groups, they tend to focus on the specific discriminatory issues and bases of a charge which was

filed with the NEOC. The recipients of the training sessions tell us the information is informative and helps improve the business practices not only in Nebraska, but throughout the country. The State of Nebraska, through the NEOC, has a stake in assuring that businesses receive the education and technical assistance needed to conduct business in a way that does not trample the civil and human rights of its residents and workers.

The NEOC will continue to provide education on the discrimination laws because doing so promotes a foundation of justice, fairness, and equality. We look forward to these friendly interactions with the community, and based on responses received throughout the year, the community looks forward to the information, education, and outreach from the NEOC.

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TABLE 1: CASE SUMMARY



Of the 1,072 **new** cases filed in FY 15/16, 956 were employment cases; 84 were housing cases; and 32 were public accommodation cases

Of the 1,012 cases **closed** in FY 15/16, 975 were Commission initial actions; 34 were actions on cases in the conciliation stage; 2 were decisions on cases in the public hearing stage; and 1 was pursuant to civil action (housing).

Of the 668 cases **to be completed** at the end of FY 15/16, 640 cases are to be investigated, 7 cases are in conciliation, 3 cases are in public hearing, and 18 cases are in civil action.

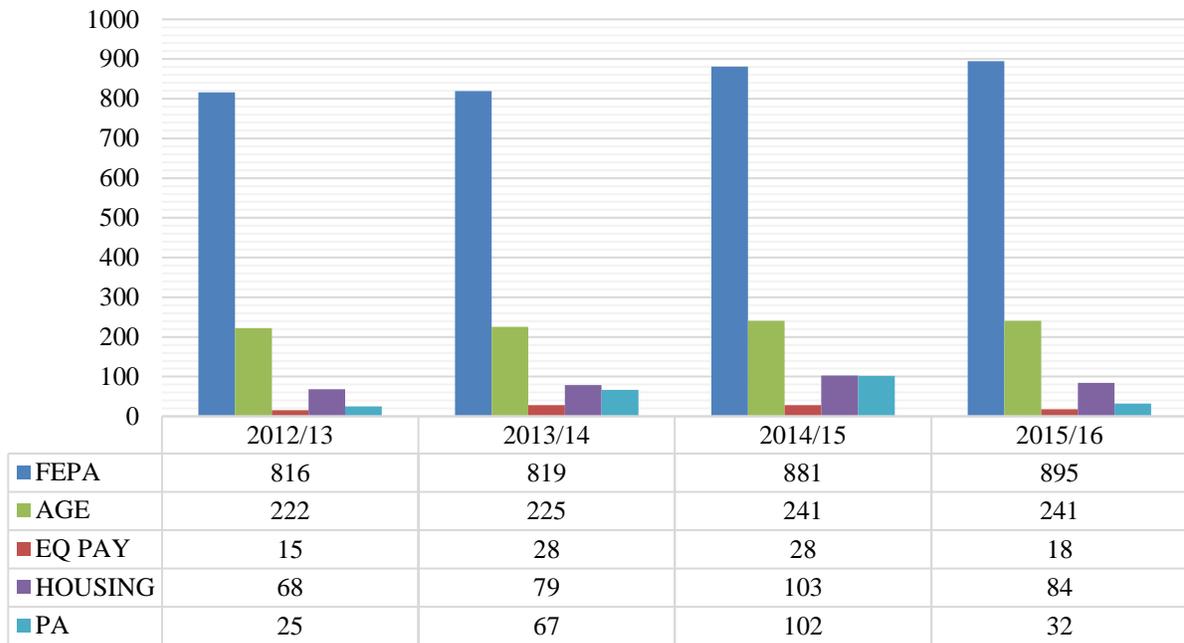
TABLE 2: CHARGE INTAKE

	FY 13/14	FY 14/15	FY 15/16
Omaha	433 (42%)	504 (44%)	431 (40%)
Lincoln	524 (52%)	578 (50%)	571 (53%)
Scottsbluff	60 (6%)	63 (6%)	70 (7%)
TOTAL	1,017 (100%)	1,145 (100%)	1,072 (100%)

NOTES/HIGHLIGHTS

Overall total of 1,072 represents a 6% decrease from FY 14/15 total intake.
 Omaha total of 431 represents a 14% decrease from FY 14/15 office intake
 Lincoln total of 571 represents a 1% decrease from FY 14/15 office intake.
 Scottsbluff total of 70 represents an 11% increase from FY 14/15 office intake.

**TABLE 3: CHARGES OF ALLEGED DISCRIMINATION
FILED DURING CURRENT AND PREVIOUS YEARS BY STATUTE
2012/13 – 2015/16**



NOTE: Because a person can file under multiple laws, this is not a total of cases received but how many charges are filed under the different laws.

FEPA -FAIR EMPLOYMENT PRACTICE ACT

AGE -NEBRASKA AGE DISCRIMINATION IN EMPLOYMENT ACT

EQ PAY -EQUAL PAY ACT OF NEBRASKA

HOUSING -NEBRASKA FAIR HOUSING ACT

PA -NEBRASKA CIVIL RIGHTS ACT OF 1969 (PUBLIC ACCOMMODATIONS)

OTHER CASE CHARACTERISTICS:

With our case tracking system, we are able to get an accurate count of the descriptive data for our case intake and production. Some of the data is summarized in the tables that follow:

TABLE 4: BASIS OF CHARGES FILED BY STATUTE
FY 2015/16

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	261	0	0	19	29	309
COLOR	220	0	0	0	28	248
SEX	272	16	0	14	6	308
SEX-PREGNANCY	33	0	0	0	0	33
AGE (40-70)	0	0	235	0	0	235
RELIGION	39	0	0	5	2	46
NATIONAL ORIGIN/ ANCESTRY	163	0	0	16	3	182
DISABILITY	409	0	0	48	0	457
MARITAL STATUS	20	0	0	0	0	20
FAMILIAL STATUS	0	0	0	3	0	3
RETALIATION	588	8	71	26	12	705
RETALIATION (Whistleblower)	80	0	0	0	0	80

The Public Accommodations Act and Housing Act do not provide coverage in the areas of Marital Status and Age Discrimination.

**TABLE 5: ISSUES IN EMPLOYMENT AND PUBLIC
ACCOMMODATIONS CHARGES FILED IN FY 2015/16**

<u>ISSUE</u>	<u>NUMBER</u>
Discharge	1,871
Terms and Conditions of Employment	1,037
Discipline	800
Harassment	754
Reasonable Accommodation	635
Wages	570
Assignment	424
Constructive Discharge	413
Suspension	348
Failure to Hire	254
Failure to Train	137
Failure to Promote	113
Benefits-Insurance	100
Sexual Harassment	91
Intimidation	89
Benefits	83
Public Accommodation Issue	80
Demotion	74
References Unfavorable	57
Breach of Confidentiality	31
Union Representation	28
Benefits-Retirement/Pension	13
Layoff	11
Reinstatement	8
English Language Only Rule	5
Paternity	1
Other	1

**TABLE 6: ISSUES IN HOUSING CHARGES FILED
FY 2015/16**

ISSUE	NUMBER
Terms, Conditions, Privileges Relating to Rental	57
Discriminatory Acts under Section 818 (coercion, etc.)	38
Failure to Make Reasonable Accommodations	27
Terms, Conditions, Privileges, or Services and Facilities	17
Refusal to Rent	12
Other Discriminatory Acts	8
False Representation of Availability-Rental	5
Services and Facilities Relating to Rental	3
Discriminatory Acts Under Section 901 (criminal)	2
Failure to Permit Reasonable Modification	2
Financing	2
Refusal to Negotiate for Rental	1
Non-compliance with Design and Construction (handicap)	1

**TABLE 7: COMPLAINANT CHARACTERISTICS
FY 2014/15 – 2015/16**

MALE	FY 14/15	FY 15/16	FEMALE	FY 14/15	FY 15/16
Race			Race		
Black/African American	244	151	Black/African American	180	154
Native Hawaiian/Pacific Islander	0	2	Native Hawaiian/Pacific Islander	3	0
American Indian/Alaska Native	3	8	American Indian/Alaska Native	13	7
Bi-Racial/Multi-Racial	11	11	Bi-Racial/Multi-Racial	6	9
Asian	3	3	Asian	7	12
White	213	219	White	326	339
Ethnicity			Ethnicity		
Hispanic/Latino	64	68	Hispanic/Latino	66	88
Not Hispanic/Latino	461	393	Not Hispanic/Latino	526	500
National Origin			National Origin		
North America	436	359	North America	511	493
Middle East	5	14	Middle East	1	4
Hispanic	45	54	Hispanic	45	64
Europe	3	9	Europe	3	9
Caribbean	0	1	Caribbean	0	0
Asia	2	3	Asia	7	8
Africa	28	15	Africa	15	4
Unable to obtain info	11	10	Unable to obtain info	21	21

TABLE 8: TOP TEN COUNTIES FOR CHARGES FILED

<u>COUNTY</u>	<u>FY 2013/14</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		468	46%
2. Lancaster		224	22%
3. Hall		48	5%
4. Scotts Bluff		34	3%
5. Sarpy		30	3%
6. Buffalo		16	2%
7. Lincoln		15	1%
8. Dakota		15	1%
9. Adams		12	1%
10. Dodge		<u>10</u>	<u>1%</u>
TOTAL OF TOP TEN		872	85%
TOTAL OF ALL CHARGES		1,017	100%

<u>COUNTY</u>	<u>FY 2014/15</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		497	43%
2. Lancaster		266	23%
3. Dawson		36	3%
4. Dodge		34	3%
5. Sarpy		32	3%
6. Hall		31	3%
7. Scotts Bluff		29	3%
8. Buffalo		15	1%
9. Adams		14	1%
10. Madison		<u>13</u>	<u>1%</u>
TOTAL OF TOP TEN		967	84%
TOTAL OF ALL CHARGES		1,145	100%

<u>COUNTY</u>	<u>FY 2015/16</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		495	46%
2. Lancaster		220	21%
3. Hall		45	4%
4. Sarpy		42	4%
5. Scotts Bluff		27	3%
6. Dodge		20	2%
7. Platte		17	2%
8. Adams		16	1%
9. Madison		15	1%
10. Gage		<u>13</u>	<u>1%</u>
TOTAL OF TOP TEN		910	85%
TOTAL OF ALL CHARGES		1,072	100%

TABLE 9: CHARGES NOT DOCKETED

In FY 15/16, the Commission conducted a total of 478 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

FY 2015/16

<u>Reason for Non-Filing</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
1. Respondent has too few employees	26	28	5	59
2. Allegations outside the Statute of Limitations	19	14	4	37
3. Complainant had no standing or basis to file	105	56	25	186
4. Informed of right to file, but declined to file	123	58	15	196
TOTAL NON-DOCKETED	273 (57%)	156 (33%)	49 (10%)	478 (100%)

TABLE 10: TECHNICAL ASSISTANCE TO THE PUBLIC

In addition to conducting screenings which led to no formal action by the Commission, the Commission staff also fielded 2,567 other inquiries from the public in FY 15/16. The inquiries received can be broken down as follows:

FY 2015/16

<u>Contact Type</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
5. General Questions Answered	227	211	48	486
6. Employer Inquiries	592	460	52	1,104
7. Information Sent	10	0	6	16
8. Referred to an appropriate source of assistance	46	61	13	120
9. Complainant Inquiry	490	309	42	841
TOTALS	1,365 (53%)	1,041 (41%)	161 (6%)	2,567 (100%)
TOTALS - ALL CONTACTS	1,638 (54%)	1,197 (39%)	210 (7%)	3,045 (100%)

The NEOC web site is updated at least two times a month. The web site allows people to check upcoming Commission Meeting information, as well as educational information. Individuals also have the opportunity to learn about the Commission, the laws, and how to file a complaint. In FY 15/16, there were 11,954 web site hits to the NEOC home page.

TABLE 11: COMMISSION DETERMINATIONS

		FY	FY	FY
		13/14	14/15	15/16
Reasonable Cause	NEOC (moved to conciliation)	31	41	52
	Adopted (moved to conciliation)	0	6	0
No Reasonable Cause	NEOC	673	782	719
	Adopted	72	59	78
Pre-Determination Settlement	NEOC	99	106	86
	Adopted	10	8	13
Mediation	NEOC	13	20	13
	Adopted	0	0	0
Withdrawal With Settlement	NEOC	17	19	18
	Adopted	1	0	2
Withdrawal Without Settlement	NEOC	14	8	6
	Adopted	3	1	1
Failure to Locate	NEOC	1	0	0
	Adopted	0	0	0
Failure to Cooperate	NEOC	1	0	0
	Adopted	1	1	0
Lack of Jurisdiction	NEOC	31	52	14
	Adopted	0	0	1
Complainant Filing/Filed in Court	NEOC	4	5	14
	Adopted	4	6	7
Other	NEOC	0	4	2
	Adopted	0	1	1

Table 11: COMMISSION DETERMINATIONS (continued)

		FY 13/14	FY 14/15	FY 15/16
Conciliations	Successful Conciliations	13	21	18
	Successful Conciliations – Adopted	0	6	0
	Unsuccessful Conciliations - Dismissals	5	9	7
	Unsuccessful Conciliations - Complainant Filing/Filed in Court	6	8	9
	Other - Adopted	0	0	0
	Unsuccessful Conciliations to Public Hearing or Civil Action	3	5	22
Public Hearings	For Complainant	1	0	0
	For Respondent	0	0	1
	Negotiated Settlement	2	2	1
	Failure to Cooperate	0	0	0
	Complainant Filing/Filed in Court	0	0	0
	Other	0	0	0
Civil Action (Housing)	For Complainant	1	0	0
	Negotiated Settlements	0	0	0
	Other	0	0	0
	Dismissal	0	1	1

**TABLE 12: COMMISSION INITIAL DETERMINATIONS BY STATUTE
(CLOSED CASES)
FY 2015/16**

FAIR EMPLOYMENT PRACTICE ACT	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOMM.
797	229	20	67	53

TABLE 13: LACK OF JURISDICTION BREAKDOWN

REASON FOR LACK OF JURISDICTION	FY 2013/14
Untimely Filed	10
Not Enough Employees	8
No Employer/Employee Relationship	6
Other	3
Wrong Respondent Named	2
Harms Occurred Out of State	1
Respondent Not an Employer in Nebraska	1
TOTAL	31

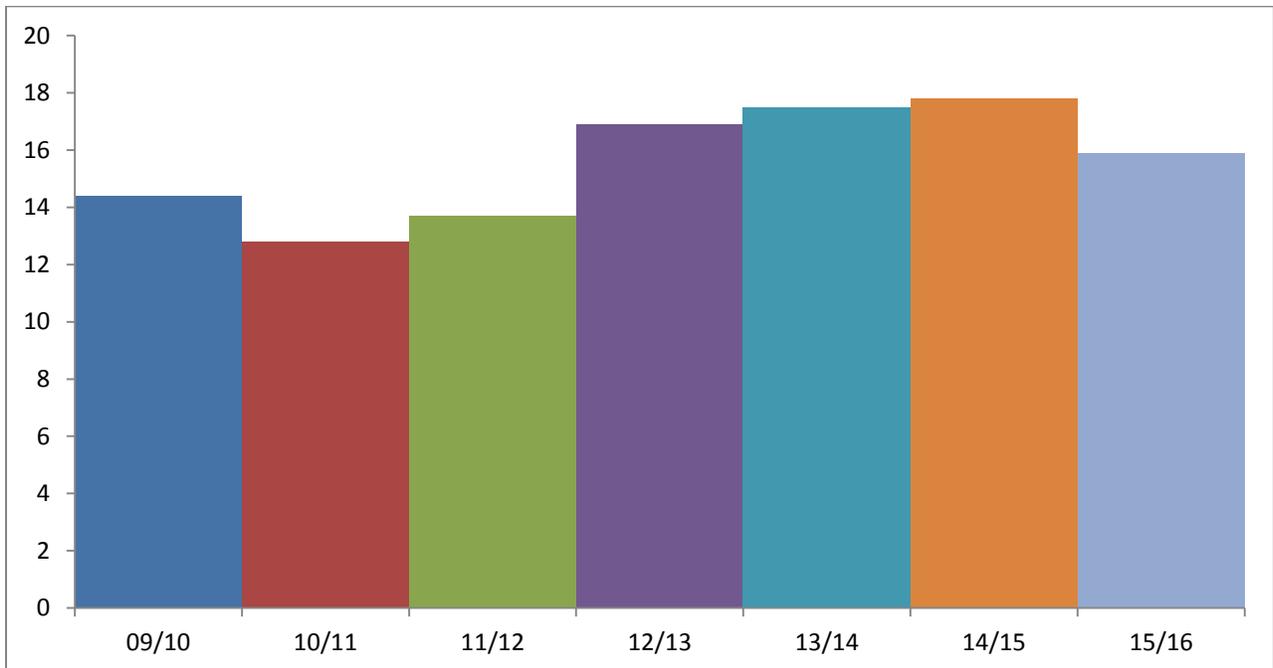
REASON FOR LACK OF JURISDICTION	FY 2014/15
Not Enough Employees	24
Respondent Exempt Regarding News Content	8
No Employer/Employee Relationship	7
Complainant is not Aggrieved by a Public Accommodation Practice	5
Untimely Filed	3
Harms Occurred out of State	1
Respondent Not an Employer Under the Law	1
Respondent No Longer in Business	1
Respondent Government Owned-Indian Tribe	1
Other	1
TOTAL	52

REASON FOR LACK OF JURISDICTION	FY 2015/16
Not Enough Employees	4
Other	4
No Employer/Employee Relationship	3
Untimely Filed	2
Harms Occurred Out of State	1
Respondent Government Owned-Indian Tribe	1
TOTAL	15

TABLE 14: COMPARATIVE CAUSE/SETTLEMENT FIGURES

FY 2009/10 – 2015/16

Fiscal Year	Cause & Settlements Percent of Initial Determinations	Combined Number of Cases
09/10	14.4	202
10/11	12.8	128
11/12	13.7	143
12/13	16.9	195
13/14	17.5	171
14/15	17.8	200
15/16	15.9	164



**TABLE 15: ALTERNATIVE DISPUTE RESOLUTION
(ADR)
Employment and Public Accommodation Cases**

	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16
Sent to ADR	64	83	99	100	88
Successful Mediation	9	15	13	21	13
Successful Pre-Determination Settlement	21	26	30	39	21
Withdrawal with Settlement	2	8	4	0	1
Failed ADR (either Mediation or PDS)	8	8	14	19	19
No Longer Wanted to Pursue ADR	20	24	30	24	33
Pending	9	11	19	16	17

In 2004/2005 the NEOC developed the Alternative Dispute Resolution (ADR) program. The focus of ADR is to resolve pending employment and public accommodation cases prior to an investigation and determination being issued by the Commission. There are two options available in the ADR program: mediation and pre-determination settlement. **Mediation** typically involves the parties meeting face-to-face with a mediator to discussion resolution; whereas, **pre-determination settlement** involves discussion of resolution between the parties as relayed (usually via telephone) by the mediator.

Participation in the program is done on a voluntary basis. As the table indicates, when parties actively participate in the program there is a high rate of successful resolution. However, there are times when the parties indicate an interest in the ADR program, but after an initial discussion, determine they no longer want to participate in the process and request an investigation. These discussions are not considered unsuccessful as the parties never fully engaged in the process.

HIGHLIGHTS....

In addition to the ADR program, the NEOC attempts to resolve employment and public accommodation cases during an investigation prior to the NEOC issuing a determination. In FY 15/16 the NEOC resolved 46 cases during the investigative stage.

The NEOC also endeavors to resolve housing cases. Discussions regarding resolution are an on-going process throughout the investigation for all housing cases. In FY 15/16, the NEOC settled 19 housing cases which is 22% of the total initial housing decisions by the NEOC. The NEOC also adopted settlements in 2 other housing cases.

TABLE 16: NON-MONETARY RELIEF
FY 2015/16

Employment and Public Accommodations

Adverse Material Removed from File

Apology

Benefits – Other

EEO Training

Neutral Reference

Religious Accommodation

Training/Apprenticeship

Work Place Practice/Policy Change

Housing

Affirmative Relief – Other

Housing

Letter of Reference

Policy Revisions

Reasonable Accommodation – Other

Reasonable Accommodation – Service Animal

Training

TABLE 17: MONETARY RELIEF BY LAW
FY 2015/16

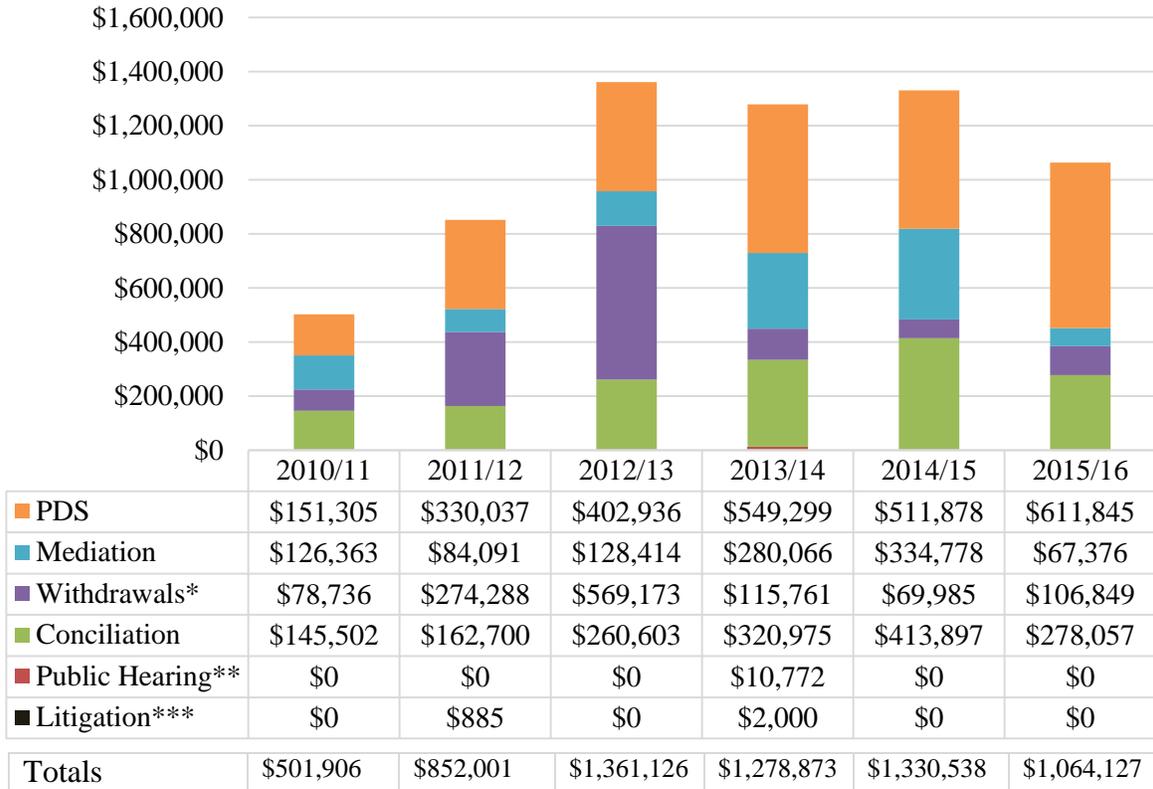
	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	\$ 587,256	\$1,175	\$23,414	\$611,845
Mediation	67,376	0	0	67,376
Withdrawals with Settlement	106,849	0	0	106,849
Conciliation	277,257	0	800	278,057
Public Hearing	0	0	0	0
Litigation	0	0	0	0
TOTAL	\$1,038,738	\$1,175	\$24,214	\$1,064,127

The following chart reflects approximately how many people have benefited from the different types of Settlement. Besides the Complainant, others can benefit by attending EEO training and/or a policy or procedural/practice change.

TABLE 18: NUMBER OF PEOPLE BENEFITING
FY 2015/16

	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	701	18	1,916	2,635
Mediation	175	0	0	175
Withdrawals with Settlement	15	0	0	15
Conciliation	1,132	0	2	1,134
Public Hearing	1	0	0	1
Litigation	0	0	0	0
TOTAL	2,024	18	1,918	3,960

TABLE 19: TOTAL MONETARY RELIEF OBTAINED



* The benefits on some of the Commission’s withdrawals with settlement are not known. The parties keep the terms of settlement confidential.

** Any monetary relief received through a settlement prior to the public hearing being held is listed with the conciliation amounts.

*** These settlements were achieved by the Attorney General’s Office on cases sent to their office for civil action/litigation.

**CASE COMPLETION SUMMARY TABLES
FY 2011/12 – 2015/16**

TABLE 20: AVERAGE CASE PROCESSING TIME

	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
Average Hours Worked on Case File	10.8	11.04	12.49	11.68	12.33

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TABLE 21: AVERAGE DAYS PER INVESTIGATION

	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
Average Days	85.1	74.4	85.6	80.6	88.5

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TABLE 22: FROM FILING TO ASSIGNMENT AND DETERMINATION, AVERAGE DAYS -- CAUSE/NO CAUSE ONLY

	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
Date Filed to Assignment of Investigator	208	140	91	95	105
Date Filed to Cause/No Cause Decision	311	237	199	194	216

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TABLE 23: CAUSE CASES

	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
Out of Cause/No Cause Cases, This Percentage went Cause	4%	4%	4%	5%	6%

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TABLE 24: CONCILIATION TIME PER CASE

	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
Average Conciliation Hours Worked on Case	2	2	2	3	2
Average Days in Conciliation	88	98	123	92	56

TABLE 25: REASONABLE CAUSE CASES BY STATUTE

FY 2015/16

FEPA	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOM
28	5	0	22	0

TABLE 26: REASONABLE CAUSE CASES BY BASIS

FY 2015/16

BASIS	CASES	BASIS	CASES
Race	19	Disability	18
Color	2	Religion	17
Sex	7	Marital Status	0
Sex-Pregnancy	4	Retaliation	17
National Origin	18	Retaliation – Whistleblower	1
Age	2	Familial Status	2

TABLE 27: REASONABLE CAUSE CASES BY ISSUE

FY 2015/16

ISSUES	CASES	ISSUES	CASES
Employment		Employment (con't)	
Discharge	16	Discipline	1
Accommodation (Employment)	11	Layoff	1
Hire	5	Prohibited Medical Inquiry	1
Sexual Harassment	5	Wages	1
Suspension	4		
Conditions of Employment	2	Housing	
Constructive Discharge	2	Terms/Conditions in Rental	20
Harassment	2	Services/Facilities in Rental	18
Assignment	1	Accommodation	2
Benefits	1	Refusal to Rent	1

TABLE 28: CONCILIATION SUMMARY
FY 2015/16

Total Conciliations Attempted.....	56
Successful	18
Unsuccessful (Forwarded to Hearing)	3
Unsuccessful (Forwarded to Civil Action-Housing)	19
Administratively Closed	16
a. Unsuccessful - Dismissals.....	7
b. Complainant Filing in Court.....	9
Total Dollars	\$263,057

TABLE 29: CONCILIATIONS

FISCAL YEAR	2011/12	2012/13	2013/14	2014/15	2015/16
Cases to Conciliation (Reasonable Cause)	32	36	31	47	52
Cases Pending from Prior Fiscal Year	9	11	9	13	11
TOTAL CASES	41	47	40	60	63
Conciliations Attempted	30	38	27	49	56
Successful Conciliations	16	18	13	27	18
Unsuccessful Conciliations	2	3	3	5	22
Conciliations Administratively Closed	12	17	11	17	16
MONETARY RELIEF	\$127,700	\$260,603	\$296,975	\$413,897	\$263,057
Conciliation Pending	11	9	13	11	7

TABLE 30: SUCCESSFUL CONCILIATION DETAIL - FY 2015/16

DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
Employment and Public Accommodations	
Disability and Record of a Disability (reasonable accommodation; hiring)	\$4,500 lump sum; \$6,500 wages; training; policy review
Pregnancy (discharge)	\$750 lump sum; training
Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge)	\$1,000 wages; \$15,749 compensatory damages; \$8,249 attorney fees; training; neutral reference
Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge)	\$5,000 lump sum; training
Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge; suspension)	\$14,500 lump sum; \$14,500 wages
Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge)	\$5,250 wages; training
Age, Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge)	\$90,000 lump sum; \$10,000 wages
Disability and Record of a Disability (reasonable accommodation; discharge; assignment)	\$5,500 lump sum; training
Pregnancy (discharge)	\$5,000 lump sum; training
Disability (prohibited medical inquiry)	\$50 lump sum; training; policy change
Age (discharge)	\$7,300 lump sum; \$3,200 wages
Disability, Record of a Disability and Retaliation (reasonable accommodation; hiring)	\$2,458.56 promotion
Sex and Retaliation (sexual harassment; harassment; discharge)	\$25,000 lump sum; neutral reference; training
National Origin, Disability, Record of a Disability and Retaliation (terms and conditions)	Private settlement – benefits unknown
Retaliation (discipline; discharge; suspension; benefits)	\$22,500 lump sum; training; neutral reference
Disability and Retaliation (hiring)	\$2,750 lump sum
Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge)	\$12,500 lump sum
Housing	
Familial Status (terms, conditions and privileges relating to rental)	\$800 lump sum; letter of reference; training; other affirmative relief

PUBLIC HEARINGS

In conformity with the Nebraska Fair Employment Practice Act, Section 48-1119, the Commission may take a case to Public Hearing if reasonable cause is found and attempts at conciliation are unsuccessful. The table below represents the Commission's activity after ordering Public Hearings in fiscal year 2015/2016, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

TABLE 31: PUBLIC HEARINGS

Fiscal Year	09/10	10/11	11/12	12/13	13/14	14/15	15/16
Numbered Ordered	3	2	1	1	2	4	3
Number Held*	3	1	0	1	1	0	1
Number Carried Over	3	1	1	1	1	0	2
Orders Issued (Final)	5	2	1	1	3	2	2
Pending	1	1	1	1	0	2	3

*A full and complete hearing was conducted.

TABLE 32: PUBLIC HEARING DISPOSITION
JULY 2015 - JUNE 2016

Total Final Orders Issued	2
Outcome of Final Orders:	
Violation found	0
No Violation Found	1
Settlement Prior to Hearing	1
Complainant Filing/Filed in Court	0

TABLE 33: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2016

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
Findeis	Ft. Calhoun Mobile Home Park	2994-H	Mathias

**TABLE 34: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY
COMPLAINANT AS OF JUNE 30, 2016**

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
None			

**TABLE 35: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY
THE HEARING EXAMINER AS OF JUNE 30, 2016**

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
Ebert	Simonson, Douglas & Donna	2977-H	Mathias
Fischer	Simonson, Douglas & Donna	2995-H	Mathias

**TABLE 36: CIVIL ACTION DISPOSITION
JULY 2015 - JUNE 2016**

For Complainant	0
Settlement	0
Dismissal	1
<hr/> TOTAL	1

HEARING DISPOSITION SUMMARY
July 1, 2015 through June 30, 2016

NEB 3-14/15-7-44974-RS

Gumby, Jr. vs. IOS/PCI, LLC

Race, Color, Sex and Retaliation (Discharge)

The Complainant alleged the Respondent treated him differently than a white female when he was discharged following a verbal altercation. The Commission found Reasonable Cause and the case was sent to public hearing. Prior to the public hearing the parties reached a settlement. The Hearing Officer recommended the Commission dismiss the charges based on the settlement. The Commission accepted the Hearing Officer's recommendation and closed the case.

NEB 1-14/15-2-45584-RS

Hunter, Jr. vs. NE/Dept of Correctional Services

Disability (Discharge)

The Complainant stated the Respondent failed to accommodate him when he was unable to perform the essential functions of his position. After applying for other positions and not securing any position, the Respondent discharged him. The Commission found Reasonable Cause and the case was sent to public hearing. The Hearing Officer found in favor of the Respondent and recommended the Commission dismiss the charges. The Commission accepted the Hearing Officer's recommended order and closed the case.

List of Cases Sent to Public Hearing in the Past Five Years

Case Number	Complainant	Respondent	Decision	Date Closed	Hearing Officer
41104	Davis	Lincoln Public Schools	Settlement	8/29/2011	M. Moriarty
41926	Brady	Husker Management, Inc. d/b/a Holiday Inn Express	Complainant Filed In Court	2/15/2013	M. Frost
42364	Chapman	MWE Services, Inc.	For Complainant	10/18/2013	W. Tringe, Jr.
42482	Montoya	Demarco Bros. Co.	Settlement	4/18/2013	J. Douglas
43332	Montoya	Demarco Bros. Co.	Settlement	4/18/2013	J. Douglas
44493	Hanson	Railcrew Xpress, LLC	Settlement	4/17/2015	W. Tringe, Jr.
44817	Hanson	Railcrew Xpress, LLC	Settlement	4/17/2015	W. Tringe, Jr.
44974	Gumby, Jr.	IOS/PCI, LLC	Settlement	11/20/2015	W. Tringe, Jr.
45584	Hunter, Jr.	NE/Corrections, Dept. of	For Respondent	6/17/2016	W. Tringe, Jr.
2977-H	Ebert	Simonson, Douglas & Donna			R. Mathias
2995-H	Fischer	Simonson, Douglas & Donna			R. Mathias
2994-H	Findeis	Ft. Calhoun Mobile Home Park, Inc.			R. Mathias

NOTES: Case numbers with a "-H" or "-HM" behind them are Housing cases. Case numbers with a "-PA" behind them are Public Accommodation cases. All other case numbers are employment cases.

RECORDS RETENTION: Pursuant to Rules 002-016 and 002-019 of the Nebraska Equal Opportunity Commission's Records Retention Schedule, these records are deleted/destroyed 5 years from the date of closure.